

Ordinance No. 4-09

ORDINANCE: To amend Chapter 4 of the Rockville City Code entitled “Arts and Cultural Affairs” so as to conform various provisions to the City’s new Zoning Ordinance adopted by Ordinance No. 19-08

BE IT ORDAINED BY THE Mayor and Council of Rockville, that Chapter 4 of the Rockville City Code entitled “Arts and Cultural Affairs” be amended by amending Article IV entitled “Publicly accessible art in Private Development,” to read as follows:

Chapter 4 ARTS AND CULTURAL AFFAIRS

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ARTICLE IV. PUBLICLY ACCESSIBLE ART IN PRIVATE DEVELOPMENT

Sec. 4-40. Definitions.

The following words, terms and phrases, when used in this Article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person who applies for permission to undertake any construction project for which a new [use permit, detailed] application for site plan approval, subdivision approval for a residential development not requiring a [use permit or detailed site plan review application] site plan approval, building permit, or the amendment of any such existing permit or approval is required.

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Commercial parking facility means a lot, structure, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for compensation as the principal use of the property.

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[*Non-accessory parking structure* means a structure used for the parking of motor vehicles that is not accessory to another primary use on the site.]

Sec. 4-42. Scope.

Except as otherwise provided, provisions of this Article apply to all construction projects that require a new [Use Permit, Detailed Application] site plan approval, subdivision approval for a residential development not requiring a [Use Permit or Detailed Application] site plan approval, or the amendment of any such existing permit or approval. The provisions of this Article shall also apply to any application for a new building permit for interior and/or exterior modifications, renovation, or additions to [multi-family] multiple-unit dwelling residential, commercial or industrial development for which a new or amended [use permit] site plan approval is not required.

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Sec. 4-44. Expenditure for publicly accessible art required; exclusions.

(a) * * *

(b) The required publicly accessible art expenditure shall be calculated in accordance with the following schedule:

(1) Single [family] dwelling unit detached, semi-detached, and townhouse construction:

a. * * *

b. * * *

c. * * *

(2) [Multi-family] Multiple-Unit dwelling residential construction:

a. * * *

b. * * *

c. * * *

(3) Commercial construction (including [non-accessory] commercial parking [structures] facilities):

a. * * *

b. * * *

c. * * *

(4) Industrial construction: * * *

(5) Expansion of an existing residential project:

* * *

(6) Expansion of an existing commercial or industrial building, or a [non-accessory] commercial parking [structure] facility:

a. * * *

b. * * *

(7) Renovations to an existing commercial or industrial building or [non-accessory] commercial parking [structure] facility:

a. * * *

b. * * *

(c) * * *

(d) The following construction projects are not subject to the requirements of this section:

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) Parking [structures] facilities that are accessory to another primary use on the site.

(7) * * *

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Sec. 4-47. Submission of plans for publicly accessible art required; implementation.

(a) A conceptual plan for the provision of publicly accessible art shall be submitted with any application for a [Use Permit, application for Detailed Application] site plan or project plan approval, or application for preliminary subdivision plan subject to the requirements of this Article. The conceptual plan shall include the location of the art, a conceptual description of the art, and the

qualifications of the artist. Where an arts space or arts-based infrastructure will be provided, the conceptual plan shall include the location of the arts space or arts-based infrastructure, an acknowledgement from the intended user(s) that the arts space and/or the arts-based infrastructure is suitable for their needs and purposes and will be utilized by the intended user(s).

(b) * * *

(c) * * *

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NOTE: [Brackets] indicate material deleted.
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of March 9, 2009.

Claire F. Funkhouser, CMC, City Clerk